

ATTACHMENT A - THE MIDVALE TELEPHONE PROJECT  
**THE MIDVALE TELEPHONE PROJECT**

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**A REGULATORY CHRONICLE  
OF THE EFFORT TO BRING TELEPHONE SERVICE  
TO THE CENTRAL IDAHO COMMUNITIES OF  
BURGDORF, SECESH MEADOWS, WARREN  
AND SOUTH FORK SALMON RIVER**

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May 3, 1995

## EXECUTIVE SUMMARY

### Summary of Project

In June of 1992 Midvale Telephone Exchange, Inc. ("Midvale") received authorization from the Idaho Public Utilities Commission ("PUC") to bring reliable telephone service to the isolated, remote communities Burgdorf, Secesh Meadows, Warren and the South Fork Salmon River area, in central Idaho. The physical disturbance entailed by the project would be minimal. Midvale proposes to plow ½ inch fiber optic cable three feet deep, within existing roadbed, using a two inch shank, and to immediately pack the plow line. The project also will entail placement of several small splicing pedestals, repeaters and power boosters at a few points along the route. Stream crossings will be accomplished by attaching cable to existing bridges.

The roads on which the cable will be placed, by definition, already are disturbed areas. Moreover, they are subject to regular grading—which produces more sediment on an ongoing basis than the one-time plowing of cable. Because the cable will be buried, virtually no maintenance will be required. Most significantly, the project will not alter any stream or take a crop of Snake River Basin water.

From the outset, Midvale worked closely with regulatory agencies and committed up front to extensive mitigation of these modest environmental impacts. In short, this is anything but an environmentally controversial project.

### Conclusion

The regulatory process documented here is a classic example of government gone wrong. That a project of this minor environmental dimension would be subjected to three years of regulatory review demonstrates that, under current law and practice, the agencies simply are not capable of rational priority setting.

**As** a result of these delays, these Idaho communities were denied the speedy installation of reliable telephone service ordered by the state PUC. These communities were without regular telephone service during the forest fires which ravaged much of the area last summer, and are still without such service today, three years after the PUC order.

The delays also have inflicted considerable economic damage on Midvale, a small company of eleven employees. As a result of the delays, financial deadlines have been missed and Midvale's substantial investment in the project has earned no income over an extended period of time. Large corporations may be able to absorb such costs—and pass them on to their customers. Midvale cannot.

The bottom line is that the task of bringing quality communication service to rural areas is expensive—and marginally cost effective for the private sector under the current regulatory scheme. Now, however, the costs of physically bringing service to these areas is being out-paced by the cost of navigating the increasingly cumbersome, chaotic and unpredictable regulatory review process. The result is that the cost of serving remote customers can rise from thousands of dollars to tens of thousands of dollars per user—an unsustainable burden.

Protecting our nation's streams and forests is a wise and laudable goal. It seems, however, that the federal agencies have lost the ability to distinguish between genuine environmental threats and environmentally benign projects, such as plowing cable in existing roadbeds. In short, substantial public and private resources were poured into a regulatory process which has produced no meaningful benefit to society. This occurred while other significant social problems go unattended.

If this experience is to be avoided in the future, it is essential that the regulatory process be streamlined, that meaningful and realistic deadlines be established, that agencies be required to keep regulated parties reasonably informed of changes in the status of their applications, and that sensible mechanisms be developed for focusing scarce regulatory dollars on real environmental problems.

### Summary of Chronology

The chronology which follows tracks the course of regulatory developments over the last three years. The pattern is one of repeated assurances that everything was on track—upon which Midvale relied—followed by extensive and inexplicable delays.

### NEPA

Midvale's special use application was filed with the U.S. Forest Service ("USFS") three years ago this August. In order to reduce the USFS's regulatory burden and speed the review process, Midvale prepared and submitted in June of 1993 a draft Environmental Assessment ("EA")<sup>40</sup> in accordance with the National Environmental Policy Act ("NEPA"). Unfortunately, the USFS waited a year before beginning to edit the document (see May 16, 1994 entry in chronology).

After four additional months of revisions, the EA was completed and a FONSI issued on September 7, 1994—two years after the permit application was filed. The accompanying Decision Notice, however, was conditioned upon successful completion of consultation with the National Marine Fisheries Service ("NMFS") under the Endangered Species Act ("ESA"). ESA consultation was required because of the project's location within a watershed occupied by endangered salmon—despite the fact that the project would never touch a stream or take a drop of water.

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<sup>40</sup>An EA is a preliminary review of anticipated environmental impacts from a proposed action, and is the first step required under NEPA. The EA results either in a Finding of No Significant Impact ("FONSI"), in which case environmental review under NEPA is complete, or in a determination that a full blown Environmental Impact Statement ("EIS") is required. As discussed below, Midvale's project eventually resulted in the issuance of a FONSI.

**ESA**

The convoluted ESA process had begun some time earlier with a draft Biological Assessment (“BS”) prepared by Midvale’s consultant and submitted to the USFS in March of 1993.<sup>41</sup> The USFS might have chosen simply to process the application for this environmentally benign project, seeking informal concurrence from NMFS that the project was not likely to adversely affect endangered species. Instead the USFS chose to split the project into two parts and combine it with two watershed level BAs containing many other projects; one for the Main Stem Salmon and one for the South Fork.

This resulted in NMFS elevating the process to require full blown Biological Opinions (“BO”). Because this would be a lengthy process, NMFS responded to urging from Midvale by removing the component of the Midvale Project included in the South Fork BO, and inserting it into this Main Stem BO. This was done because the Main Stem BO was further advanced in the regulatory process.

Later, the USFS persuaded that the Midvale Project could be broken off entirely from both BOs, and undergo separate informal consultation leading to concurrence (without preparation of a BO on Midvale’s project).

Then, as a result of the fallout from the *PRC v. Thomas, II* litigation,<sup>42</sup> NMFS undertook a “screening” process with the USFS. The purpose of this screening process was to re-evaluate those projects which could move forward on an expedited, informal level. Most of the projects included in the two watershed BOs (including the Midvale Project) passed muster and were preliminarily approved for concurrence as of March 10, 1995. Inexplicably, however, NMFS failed to act on this for over a month and a half (until April 26, 1995)—despite frequent assurances from NMFS staff that nothing remained to be done and that official action was imminent. During this time, Midvale was unable to make critical commitments necessary to allow the project to move forward.

As of this date, the USFS has received NMFS’s concurrence, and the USFS is expected to issue the special use permit shortly. If that occurs, Midvale will be able to begin construction this summer, but at a substantially higher cost due to the company’s inability to secure materials and labor with sufficient lead times.

**Summary of Appendix**

A separate appendix to this Regulatory Chronicle contains selected communications from Midvale’s lawyers and consultants to the USFS and NMFS. A few internal Midvale memoranda which document particular regulatory actions are included, as well. (Many other documents are not included here, because they contain collateral redundant or privileged information, or are simply too bulky.)

These communications document three things: First, Midvale has made every effort to comply with regulations, to cooperate with the agencies, and to accommodate each of their concerns. Second,

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<sup>41</sup> Even this much procedure is not required under the ESA. Bas are required only when an Environmental Impact Statement is prepared, 50 C.F.R. §402.12(b), and none was for this project.

<sup>42</sup> On January 12, 1995, the U.S. District Court in Idaho issued a remarkably broad injunction which prohibited all ongoing, announced and proposed logging, mining, grazing and road construction within six national forests in Idaho until the Forest Service completed endangered species consultation on its Land and Resource Management Plans (“LRMPs”). The injunction later was lifted, but issues in the case have not yet fully been resolved.

Midvale consistently made the agencies aware of Midvale's own deadlines and time constraints, and the importance of timely regulatory action. Third, in virtually every instance of delay, the federal agencies failed to notify the applicant of the delay, much less to explain the circumstances and offer revised assessments of what to expect next. Consequently, after nearly two years of delay and with the 1994 construction season fast approaching, Midvale was pushed to the additional expense of retaining counsel to monitor this unseemly regulatory process and to prod the agencies along through each remaining step of the process.

It is Midvale's view that the agencies' shortcomings cannot fairly be blamed on the staff-level members of these bureaucracies. Indeed, the correspondence in the Appendix documents many instances of agency staffers who, too, were frustrated by the sluggish pace of events, and who worked long and hard to assist Midvale in navigating this regulatory maze. The bottom line, however, is that despite the good efforts of these individuals, the process has not worked.

## CHRONOLOGY OF USFS AND NMFS ACTIONS

<u>Date</u>	<u>Event or Document</u>
June 18, 1992	Idaho PUC issued Certificate of Public Convenience and Necessity to Midvale authorizing it to extend service to Burgdorf, Secesh, Warren & South Fork Salmon River <b>Areas</b> .
August 12, 1993.....	Midvale files special use application with USFS
March 12, 1993	Midvale prepared draft <b>BA</b> . <i>Notes: Rather than following the draft prepared by Midvale. USFS incorporated discussion from Midvale's draft BA into two separate comprehensive Watershed Bas. (1) Main Salmon, (2) South Fork &amp; the Salmon</i>
June 1993.....	Midvale prepared draft EA
January 24, 1994	USFS letter to NMFS. <i>Notes: Transmits Main Salmon EA, including part of Midvale project.</i>
March 22, 1994.....	Draft Biological Opinion (terms and conditions). <i>Notes: Prepared by NMFS in response to Main Salmon BA.</i>
April 12, 1994.....	<b>PRC v. Thomas, II</b> filed. <i>Notes: Two environmental groups Pacific Rivers Council and the Wilderness Society brought suit against the USFS for failure to consult with the NMFS with respect to endangered salmon. This case was modeled on a similar successful case brought by the same environmental groups (and three others) in Oregon.</i>
April 15, 1994.	C. Meyer (Midvale) memo to L. Williams (Midvale). <i>Notes: Main Salmon EA on faster track; was approved by SFGS and sent to NMFS some time ago. South Fork EA still waiting approval on 4/15/94. Expected to be completed by the following Monday. Expect NMFS to decline to concur in the two Bas and prepare BOS instead. That should take 20 days following submission of South Fork BA (Short time frame, because NMFS is already working on it.)</i>
April 15, 1994.....	C. Meyer (Midvale) letter to L. Williams (Midvale). <i>Notes: Anticipate NMFS approval of BA or BO by June 1994, and USFS permit by July 1994.</i>
April 19, 1994.....	R. Joslin (USFS) letter to M. Tuttle (NMFS)

<u>Date</u>	<u>Event or Document</u>
April 19, 1994.....	R. Joslin (USFS) letter to M. Tuttle (NMFS).
May 16, 1994.....	C. Meyers (Midvale) memo to L. Williams (Midvale). <i>Notes: Learned that the USFS has decided to re-write the draft EA submitted by Midvale, despite the fact that this draft has been on the USFS's desk for a year. Begin discussion of whether the USFS will waive the 45 day appeal period if no adverse comments are received. NMFS has agreed to take Midvale component out of South Fork BA and put it in with Main salmon BA.</i>
June 8, 1994.....	C. Meyer (Midvale) conference with R. Strach (NMFS). <i>Notes: NMFS aiming at completion date of no later than The July 15, 1994</i>
June 8, 1994.....	C. Meyer (Midvale) letter to L. Williams (Midvale). <i>Notes: USFS still working on revised EA, USFS determines that it can proceed in finalize EA while NMFS completes BO. NMFS still working on BO: expected on June 1. but didn't arrive NMFS assures that BO can be finished and approved at all levels by July 15, 1994.</i>
June 13, 1994.....	D. Alexander (USFS) letter to Interested Party. <i>Notes: USFS releases June 1994 EA for public comment through July 15, 1994.</i>
June 16, 1994.....	C. Meyer (Midvale). <i>Notes: If no adverse comments, USFS should be able to approve by end of July 1994. NMFS says they are still on track.</i>
June 20, 1994.....	C. Meyer (Midvale) letter to A. Nelson; C. Meyer letter to R. Strach (NMFS). <i>Notes: Begin discussion of possibility of issuing permit for portion of project, if SHPO approval cannot be approved for Town of Warren.</i>
June 27, 1994	D. Carter (NMFS) letter to L. Jacobson (USFS). <i>Notes: Requested information on six issues regarding possible project reconfiguration if only a partial permit is granted. This was identified as the information needed to complete the Biological Opinion.</i>
June 28, 1994	C. Meyer (Midvale) letter to L. Fitch (USFS). <i>Notes: Further clarification of Midvale's proposed partial project and attendant re-configuration</i>
July 14, 1994.....	C. Meyer (Midvale) conference with R. Strach (NMFS). <i>Notes: Some slippage in BO, but assured that BO will be completed between July 30 and August 15, 1994.</i>

<u>Date</u>	<u>Event or Document</u>
July 15, 1994	End of comment period. <i>Notes: Several comments were received. The USFS deems a few of them to be "adverse" although none raise substantial issues. (E.g., "We don't want any damn telephones in here.")</i>
July 22, 1994.	C. Meyer (Midvale) letter to D. Alexander (USFS). <i>Notes: Notes slippage with NMFS. Now USFS not expected to give final permit until early September 1994. Notify the USFS of Midvale's plans to proceed with non-federal components.</i>
July 25, 1994.....	C. Meyer (Midvale) letter to D. Alexander (USFS). <i>Notes: Formal request for copy of draft BO prepared by NMFS</i>
July 25, 1994.....	C. Meyer (Midvale) memo to L. Williams (Midvale). <i>Notes: Thirty forest fires started over the weekend. This will delay USFS review of the draft EO.</i>
July 26, 1994.....	C. Meyer (Midvale) letter to D. Alexander (USFS). <i>Notes: Request that the USFS take one of two actions: (1) determine that no appealable issues were raised by the comments received, and proceed with final action at once, without appeal period. (2) Issue decision and begin appeal period now, without waiting for NMFS to complete BO, subject to receipt of final EO.</i>
August 2, 1994.....	C. Meyer (Midvale) letter to L. Fitch (USFS); K. Weyers (Midvale) memo to C. Meyer. <i>Notes: Responses prepared by K. Weyers to each of the comments received.</i>
August 2, 1994.....	C. Meyer (Midvale) memo to L. Williams (Midvale). <i>Notes: Discussions with USFS indicate preliminary willingness to start the appeal clock running, without waiting for final BO. No word yet on how NMFS is doing on the BO.</i>
August 8, 1994.....	C. Meyer (Midvale) conference with R. Strach (NMFS). <i>Notes: Additional slippage on BO, but should be complete by early September 1994</i>
August 10, 1994.....	C. Meyer (Midvale) letter to D. Alexander and L. Fitch (USFS). <i>Notes: It appears that nothing remains to be done except to issue the final decision. Again, urge USFS to move in order to begin appeal clock running. Request permit for Burgdorf and Secesh Meadows only. NMFS staff assures Midvale that BO will be issued within three weeks.</i>
August 12, 1994	C. Meyer (Midvale) letter to C. Spalding (USFS). <i>Notes: Notes that C. Spalding has been detailed to put out final decision document</i>



<u>Date</u>	<u>Event or Document</u>
August 17, 1994.....	L. Fitch (USFS) letter to C. Meyer (Midvale). <i>Notes: Confirms that the USFS has no jurisdiction over private land, but that development on private land is still subject to consultation.</i>
August 22, 1994	DRAFT C. Meyer (Midvale) letter to D. Alexander and L. Fitch (USFS); phone conference w/ L. Fitch <i>Notes: Decision still not out. C. Spalding now on leave; not due back until August 29, 1994. L. Fitch says that issuance is imminent.</i>
August 29, 1994.....	USFS Decision Notice and FONSI. <i>Notes: Legal notice of the decision was set to run in the Idaho Statesman on the following day. For some reason it doesn't. Ms. Fitch (USFS) then reverses the action and retracts the decision. I am told that this retraction was taken in response to concerns raised by a staff level biologist who raised questions about the propriety of the conditional approval given to the project.</i>
September 2, 1994.....	C. Meyer (Midvale) letter to D. Alexander and L. Fitch (USFS). <i>Notes: Protest decision to retract decision. Notes that C. Meyer (Midvale) contacted General Counsel office in Ogden, which confirmed appropriateness of proceeding on conditional approval.</i>
September 1994.....	Final Environmental Assessment for Midvale project.
September 7, 1994.....	D. Alexander (USFS) memo to Interested Party: Decision Notice and FONSI on Midvale project. <i>Notes: The USFS finally issues conditional approval of the project, conditioned upon successful completion of consultation with NMFS. This action by the USFS came just over two years after the application for special use permit was filed by Midvale. This action, in turn, triggers a 45 day appeal period. due to the filing of "adverse" comments.</i>
September 16, 1994.....	C. Meyer (Midvale) memo to L. Williams (Midvale) <i>Notes: Appeal period to end October 25, 1994. Final permit could issue as early as October 31, 1994.</i>
October 14, 1994.	C. Meyer (Midvale) letter to D. Carter (NMFS). <i>Notes: Inquire as to status of BO. Advise that time is of the essence.</i>
October 25, 1994.....	<b>Appeal period ends.</b>
October 26, 1994	C. Meyer (Midvale) letter to L. Fitch (USFS) <i>Notes: Note that NMFS has missed deadline for BO.</i>

<u>Date</u>	<u>Event or Document</u>
November 18, 1994..	D. Bums (USFS) e-mail. <i>Notes: Notes that NMFS has agreed to break Midvale project out from the two BAs. NMFS requests that the USFS send NMFS a letter requesting this action.</i>
December 7, 1994	.D. Alexander (USFS) letter to B. Brown(NMFS). <i>Notes: Requests that Midvale project be taken out of the Main Salmon and South Fork BAs, and handled separately in order to expedite. Notes that NMFS has prepared a draft letter concurring with the USFS's determination that project is "not likely to adversely affect." Requests informal concurrence..</i>
January 12, 1995	Decision in <i>PRC v Thomas, II</i> . <i>Notes: Judge Ezra ruled in favor of the environmental groups and entered an order granting broad injunctive relief. The injunction did not include cable plowing activities. However, the injunction had the effect of causing both USFS and NMFS to allocate manpower to deal with the injunction's requirement that a programmatic Biological Opinion be prepared on all LRMPs in Idaho. Judge Ezra provided only one escape hatch: He said that the USFS may conduct evaluations of individual projects deemed "not likely to adversely affect" the species under section 7(d) of the ESA. in order to determine whether they will constitute "an irreversible or irretrievable commitment of resources" in violation of the Act. The judge said he would then entertain motions to except projects passing muster under the 7(d) standard. This triggered a "screening process" in an effort to identify those projects which could proceed. The agencies processed Midvale's application under this screen. even though it was not subject to the injunction.</i>
February 14, 1995	C. Meyer (Midvale) letter to D. Carter (NMFS). <i>Notes: Notes that the USFS has split off Midvale project from the two watershed BOs in order to facilitate process. The USFS has determined that the project is "not likely to adversely affect." Awaiting NMFS's concurrence. Concurrence effort being slowed by workload shifts in response to PRC v. Thomas, II. Midvale advised that it needs decision by mid March, 1995.</i>
February 27, 1995.....	C. Meyer (Midvale) letter to D. Carter (NMFS). <i>Notes: D. Carter expects to complete her review by the end of the week. and that further signoffs will follow.</i>
March 1, 1995.....	Biological Opinion on the LRMPs. <i>Notes. This grew out of the PRC v. Thomas, II litigation.</i>
March 3, 1995.....	L. Fitch (USFS) letter to K. Weyers (Midvale). <i>Notes: Requests information on five issues identified by NMFS</i>

<b><u>Date</u></b>	<b><u>Event or Document</u></b>
March 6, 1995	K. Weyers (Midvale) letter to L. Fitch (USFS). <i>Notes: Provides <b>responses</b> to five issues identified by NMFS.</i>
March 8, 1995.....	Injunction lifted in <b>PRC v. Thomas, II</b>
March 10, 1995.....	Adverse Effects Determination <i>Notes: D. Burns (USFS) signs "Adverse Effects Determination concluding that Midvale <del>is</del> "not likely to adversely affect "species. This is part of the "screenprocess" resulting from the decision in <b>PRC v. Thomas, II.</b></i>
March 14, 1995.....	D. Alexander (USFS) letter to J. Wyland (NMFS). <i>Notes: Screen completed. Midvale passes.</i>
March 14, 1995.....	C. Meyer (Midvale) letter to D. Carter (NMFS). <i>Notes: Request for progress report.</i>
March 21, 1995.....	C. Meyer (Midvale) letter to L. Fitch (USFS). <i>Notes: Learned that Midvale passed muster under screening pursuant to PRC v. Thomas II. Boise office of NMFS has prepared a draft concurrence letter. Ask if there <del>is</del> anything <b>else</b> the USFS needs from Midvale.</i>
March 21, 1995.....	C. Meyer (Midvale) letter to D. Carter (NMFS) <i>Notes: Time is of the essence.</i>
March 26, 1995.....	Deadline for completion of "screening." <i>Notes: This deadline derives from the March 1, 1995 Biological Opinion <b>on</b> the LRMPs.</i>
April 6, 1995.....	C. Meyer (Midvale) letter to D. Carter (NMFS) <i>Notes: Still <b>no news</b>.</i>
April 24, 1995.....	U.S. Supreme Court denies certiorari in <b>PRC v. Thomas, I</b> . <i>Notes: This essentially locks in the decision in <b>PRC v. Thomas, II.</b></i>
April 26, 1995.....	W. Stelle (NMFS) letter to D. Bosworth (USFS). <i>Notes: NMFS concurs in finding that the Midvale project is not likely to adversely affect endangered species.</i>

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# ●APPENDIX●

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## THE MIDVALE TELEPHONE PROJECT

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### A REGULATORY CHRONICLE OF THE EFFORT TO BRING TELEPHONE SERVICE TO THE CENTRAL IDAHO COMMUNITIES OF BURGDORF, SECESH MEADOWS, WARREN AND SOUTH FORK SALMON RIVER

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May 3, 1995

## INDEX TO APPENDIX

This appendix contains copies of correspondence from Midvale's counsel and consultants to the SFS and NMFS. The correspondence is summarized in the table below.

Selected Correspondence From Midvale to USFS and NMFS		
DATE	TO	MATTER/SUBJECT
1. 4/15/94	Lane R. Williams	Endangered Species Act Compliance Procedures & Timetables.
2. 5/17/94	Allison Nelson	Explore 45 day delay issue.
3. 5/23/94 (replacing 5/18/94 Letter)	Curtis Spalding	Confirm understanding with respect to <b>45</b> day delay issue & definition of "adverse" comments.
4. 6/17/94	David F. Alexander	Environmental Assessment was made available for public comment on 6/13/94; comment period to run through 7/15/94; narrow window available for construction to begin this summer.
5. 6/20/94	Alison Nelson	Confirmation of telephone conversation re: comments not received to date except for SHPO; SHPO approval.
6. 6/20/94	Russ Strach	SHPO approval and contingency plan to shorten the project.
7. 6/27/94	Curtis Spalding	Discussion re: authority of the USFS to regulate non-federal lands. Enclosure: Informal research notes on this subject.
8. 6/28/94	Linda L. Fitch	Respond to USFS questions about configuration changes required in connection with partial permit approval. (Partial permit approval may be necessary if SHPO approval not timely secured.)
9. 7/22/94	David F. Alexander	Notice to the USFS of Midvale's intent to proceed with project components on non-federal lands.
10. 7/25/94	David F. Alexander	Formal request for copy of Draft Biological Opinion, which the USFS and NMFS declined to make available to Midvale.
11. 7/26/94	David F. Alexander	Slippage in the timetable for final action; request for action.

12. 8/2/94	Linda L. Fitch	Midvale's response to public comments received on the project.
13. 8/2/94	Lane R. Williams	Report on telephone conference with Linda Fitch; Request for immediate issuance of decision.
14. 8/10/94	David F. Alexander Linda L. Fitch	Request for immediate issuance of decision.
15. 8/12/94	Curtis Spalding	Request for immediate issuance of decision.
16. 8/22/94	David F. Alexander Linda L. Fitch	Letter not sent, included here because it recites facts; Still no action taken; request for prompt action.
17. 8/30/94	Lane R. Williams	Documents further delays
18. 8/30/94	Lane R. Williams	Documents issuance of permit decision(which was later revoked.)
19. 9/12/94	David F. Alexander Linda L. Fitch	Protest revocation of permit decision; assert legal propriety of conditional approval; request for prompt action.
20. 10/14/94	Deb Carter	Reminder that USFS appeal period will end on 10/25/94; request status of Biological Opinion; urge prompt action.
21. 10/26/94	Linda L. Fitch	Note that appeal period ended yesterday; request confirmation that no appeals were filed; note that NMFS has failed to complete Biological Opinion.
22. 10/26/94	Russ Strach	Vote that NMFS had 135 days under the regulations to complete the Biological Opinion, and that Biological Opinion was expected on 6/1/94; documents repeated slippage; request status of Biological Opinion.
23. 2/14/95	Deb Carter	Note that USFS has determined that the project is "not likely to adversely affect" and that NMFS has 30 days to respond. Emphasize importance of decision by 3/15/95.
24. 2/27/95	Deb Carter	Explain source of 30 day rule; request high priority attention to concurrence
25. 3/6/95	Linda L. Fitch	Follow up on telephone conference which indicated that NMFS had some remaining concerns about the project.
26. 3/14/95	Deb Carter	Request for status of concurrence.

27. 3121195	Linda L. Fitch	Advise as to NMFS delays; inquire as to whether all the USFS's information needs have been satisfied.
28. 3121195	Deb Carter	Note that screening <b>is</b> completed; further NMFS deadlines have been missed and time is of the essence; ask if any additional information is required.
29. 4/6/95	Deb Carter	Still no action on concurrence; request for prompt attention.
30. 4125195	Deb Carter	Formal request for information on status of consultation.

# ATTACHMENT B - RATES BY STATE

<b>ALABAMA</b>	ALL COUNTIES	\$29.69	\$25.96
<b>ARKANSAS</b>	ALL COUNTIES	\$22.23	\$19.48
<b>ARIZONA</b>	APACHE	\$ 7.40	\$ 6.47
	COCHISE		
	COCONINO, (North of the Colorado River)		
	GILA		
	GRAHAM		
	LAPAZ		
	MOHAVE		
	NAVAJO		
	PIMA		
	YAVAPAI		
	YUMA		
	COCONINO, (South of the Colorado River)	\$29.69	\$25.96
	GREENLEE		
	MARICOPA		
	PINAL		
	SANTA CRUZ		
<b>CALIFORNIA</b>	IMPERIAL	\$14.85	\$12.98
	INYO		
	LASSEN		
	MODOC		
	RIVERSIDE		
	SAN BERNARDINO		
	SISKIYOU	\$22.23	\$19.48
	ALAMEDA	\$37.08	\$32.45
	ALPINE		
	AMADOR		
	BUTTE		
	CALAVERAS		
	COLUSA		
	CONTRA COSTA		
	DEL NOKTE		
	EL DORA DO		
	FRESNO		
	GLENN		
	HUMBOLT		



<b>CALIFORNIA</b> (Cont'd)	KERN		
	KINGS		
	LAKE		
	MADERA		
	MARIPOSA		
	MENDOCINO		
	MERCED		
	MONO		
	NAPA		
	NEVADA		
	PLACER		
	PLUMAS		
	SACRAMENTO		
	SAN BENITO		
	<b>SAN JOAQUIN</b>		
	SANTA CLARA		
	SHASTA		
	SIERRA		
	SOLANO		
	SONOMA		
	STANISLAUS		
	SUTTER	\$37.08	\$32.45
	TEHAMA		
	TRINITY		
	TULARE		
	TUOLUMNE		
	YOLO		
	YUBA		
	LOS ANGELES	\$44.50	\$38.96
	MARIN		
	MONTEREY		
	ORANGE		
	SAN DIEGO		
	SAN FRANCISCO		
	SAN LUIS OBISPO		
	SAN MATEO		
	SANTA BARBARA		
	SANTA CRUZ		
	VENTURA		
<b>COLORADO</b>	ADAMS	\$7.40	\$6.47
	ARAPAHOE		
	CHEYENNE		
	CROWLEY		

**COLORADO** (Cont'd)

EL PASO		
LLBERT		
HUERFANO		
KIOWA		
KIT CARSON		
LINCOLN		
LOGAN	\$7.40	\$6.47
MOFFAT		
MONTEZUMA		
MORGAN		
PHILLIPS		
PUEBLO		
SEDFEWICK		
WASHINGTON		
WFLD		
YUMA		
BACA	\$14.85	\$12.98
DOLORES		
GARFIELD		
LAS ANIMAS		
MESA		
MONTROSE		
OTERO		
PROWERS		
RIO BLANCO		
ROUTT		
SAN MIGUEL		
ALAMOSA	\$29.69	\$25.96
ARCHULETA		
BOULDER		
CHAFFEE		
CLEAR CREEK		
CONFJOS		
COSTILLA		
CUSTER		
DELTA		
DENVER	\$29.69	\$25.96
DOUGLAS		
EAGLE		
FREMONT		
GILPIN		
GRAND		
GUNNISON		

<b>COLORADO</b> (Cont'd)	JACKSON		
	JEFFERSON		
	LaPLATA		
	LAKE		
	LARIMER		
	MINERAL		
	OURAY		
	PARK		
	PITKIN		
	RIO GRANDE		
	SAGUACHE		
	SAN JUAN		
	SUMMIT		
	TELLER		
<b>CONNECTICUT</b>	ALL COUNTIES	\$ 7.40	\$ 6.47
<b>DELAWARE</b>	ALL COUNTIES	\$ 7.40	\$ 6.47
<b>FLORIDA</b>	BAKER	\$44.50	\$38.96
	BAY		
	BRADFORD		
	CALHOUN		
	CLAY		
	COLUMBIA	\$44.50	\$38.96
	DIXIE		
	DUVAL		
	ESCAMBIA		
	FRANKLIN		
	GADSDEN		
	GILCHRIST		
	GULF		
	HAMILTON		
	HOLMES		
	JACKSON		
	JEFFERSON		
	LAFA YETTE		
	LEON		
	LIBERTY		
	MADISON		
	NASSAU		
	OKALOOSA		
	SANTA ROSA		
	SUWANNEE		
	TAYLOR		
	UNION		

<b>FLORIDA(Cont'd)</b>	WAKULLA		
	WALTON		
	WASHINGTON		
	ALL OTHER COUNTIES	\$74.17	\$64.90
<b>GEORGIA</b>	ALL COUNTIES	\$44.50	\$38.96
<b>IDAHO</b>	CASSIA	\$ 7.40	\$ 6.47
	GOODMG		
	JEROME		
	LINCOLN		
	MINIDOKA		
	ONEIDA		
	OWYHEE		
	POWER		
	TWIN FALLS		
	ADA	\$22.23	\$19.48
	ADAMS		
	BANNOCK		
	BEAR LAKE		
	BENEWAH		
	BINGHAM		
	BLAINE		
	BOISE		
	BONNER		
	BONNEVILLE		
	BOUNDARY		
	BUTTE		
	CAMAS		
	CANYON		
	CARIBOU		
	CLARK		
	CLEARWATER		
	CUSTER		
	ELMORE		
	FRANKLIN		
	FREMONT		
	GEM		

<b>IDAHO (Cont'd)</b>	IDAHO	\$22.23	\$19.48
	JEFFERSON		
	KOOTENAI		
	LATAH		
	LEMHI		
	LEWIS		
	MADISON		
	NEZ PERCE		
	PAYETTE		
	SHOSHONE		
	TETON		
	VALLEY		
	WASHINGTON		
<b>ILLINOIS</b>	ALL COUNTIES	\$22.23	\$19.48
	INDIANA	\$37.08	\$32.45
<b>IOWA</b>	ALL COUNTIES	\$22.23	\$19.48
<b>KANSAS</b>	MORTON	\$14.85	\$12.98
	ALL OTHER COUNTIES	\$ 7.40	\$ 6.47
<b>KENTUCKY</b>	ALL COUNTIES	\$22.23	\$19.48
<b>LOUISIANA</b>	ALL COUNTIES	\$44.50	\$38.96
<b>MAINE</b>	ALL COUNTIES	\$22.23	\$19.48
<b>MARYLAND</b>	ALL COUNTIES	\$ 7.40	\$ 6.47
<b>MASSACHUSETTS</b>	ALL COUNTIES	\$ 7.40	\$ 6.47
<b>MICHIGAN</b>	ALGER	\$22.23	\$19.48
	BARAGA		
	CHIPPEWA		
	DELTA		
	DICKERSON		
	GOGEBIC		
	HOUGHTON		
	IRON		
	KEWEENAW		
	LUCE		
	MACKINAC		
	MARQUETTE		

<b>MICHIGAN</b> (Contd.)	MENOMINEE		
	ONTONAGON		
	SCHOOLCRAFT		
	ALL OTHER COUNTIES	\$29.69	\$25.96
<b>MINNESOTA</b>	ALL COUNTIES	\$22.23	\$19.48
<b>MISSISSIPPI</b>	ALL COUNTIES	\$29.69	\$25.96
<b>MISSOURI</b>	ALL COUNTIES	\$22.23	\$19.48
<b>MONTANA</b>	BIG HORN	\$ 7.40	\$ 6.47
	BLAME		
	CARTER		
	CASCADE		
	CHOUTEAU		
	CUSTER		
	DANIELS	\$7.40	\$6.47
	DAWSON		
	FALLON		
	FERGUS		
	GARFIELD		
	GLACIER		
	GOLDEN VALLEY		
	HILL		
	JUDITH BASIN		
	LIBERTY		
	MCCONE		
	MEAGHER		
	MUSSELSHELL		
	PETROLEUM		
	PHILLIPS		
	PONDERA		
	POWDER RIVER		
	PRAIRIE		
	RICHLAND		
	ROOSEVELT		
	ROSEBUD		
	SHERIDAN		
	TETON		
	TOOLE		
	TREASURE		
	VALLEY		
	WHEATLAND		
	WIBAUX		

<b>MONTANA</b> (Cont'd)	YELLOWSTONE		
	BEAVERHEAD	\$22.23	\$19.48
	BROADWATER		
	CARBON	\$22.23	\$19.48
	DEER LODGE		
	FLATHEAD		
	GALLATIN		
	GRANITE		
	JEFFERSON		
	LAKE		
	LEWIS AND CLARK		
	LINCOLN		
	MADISON		
	MINERAL		
	MISSOULA		
	PARK		
	POWELL		
	RAVALLI		
	SANDERS		
	SILVER BOW		
	STILLWATER		
	SWEET GRASS		
<b>NEBRASKA</b>	ALL COUNTIES	7.40	\$
<b>NEVADA</b>	CHURCHILL	\$ 3.71	\$ 3.24
	CLARK		
	ELKO		
	ESMERALDA		
	EUREKA		
	HUMBOLT		
	LANDER		
	LINCOLN		
	LYON		
	MINERAL		
	NYE	\$ 3.71	\$ 3.24
	PERSHING		
	WASHOE		
	WHITE PINE		
	CARSON CITY	\$37.08	\$32.45
	DOUGLAS		
	STORY		
<b>NEW HAMPSHIRE</b>	ALL COUNTIES	\$22.23	\$19.48

NEW JERSEY	ALL COUNTIES	\$ 7.40	\$ 6.47
NEW MEXICO	CHAVES	\$ 7.40	\$ 6.41
	CURRY		
	DE BACA		
	DONA ANA		
	EDDY		
	GRANT		
	GUADALUPE		
	HARDTNG		
	HIDALGO		
	LEA		
	LUNA		
	McKINLEY		
	OTERO		
	QUAY		
	ROOSEVELT		
	SAN JUAN		
	SOCORRO		
	TORRENCE		
	RIO ARRIBA	\$14.85	\$12.98
	SANDOVAL		
	UNION		
	BERNALILLO	\$29.69	\$25.96
	CATRON		
	CIBOLA		
	COLFAX		
	LINCOLN		
	LOS ALAMOS		
	MORA		
	SAN MIGUEL		
	SANTA FE		
	SIERRA		
	TAOS		
	VALENCIA		
NEW YORK	ALL COUNTIES	\$29.69	\$25.96
NORTH CAROLINA	ALL COUNTIES	\$44.50	\$38.96
NORTH DAKOTA	ALL COUNTIES	\$ 7.40	\$ 6.47
OHIO	ALL COUNTIES	\$29.69	\$25.96



<b>OKLAHOMA</b>	BEAVER	\$14.85	\$12.98
	CIMARRON		
	ROGER MILLS		
	TEXAS		
	LE FLORE	\$22.23	\$19.48
	MCCURTAM		
	ALL OTHER COUNTIES	\$ 7.40	\$ 6.41
<b>OREGON</b>	HARNEY	\$ 7.40	\$ 6.47
	LAKE		
	MALHEUR		
	BAKER	\$14.85	\$12.98
	CROOK		
	DESCHUTES		
	GILLIAM		
	GRANT		
	JEFFERSON		
	KLAMATH		
	MORROW		
	SHERMAN		
	UMATILLA		
	UNION		
	WILLOWA		
	WASCO		
	WHEELER		
	COOS	\$22.23	\$19.48
	CURRY		
	DOUGLAS		
	JACKSON		
	JOSEPHINE		
	BENTON	\$29.69	\$25.96
	CLACKAMAS		
	CLATSOP		
	COLUMBIA		
	HOOD RIVER		
	LANE	\$29.69	\$25.96
	LINCOLN		
	LINN		
	MARION		
	MULTNOMAH		
	POLK		
	TILLAMOOK		
	WASHINGTON		
	YAMHILL		